

Amendments to the Claims:

1. (Currently Amended) A method of generating a ring back tone at a first terminal communicating over a voice over internet protocol (VOIP) network, the method comprising:

~~receiving by a first terminal a request for a call setup request generated from by a second terminal, wherein the first terminal communicates over a voice over internet protocol (VOIP) network and the second terminal communicates over public switched telephone network (PSTN), wherein the VOIP and the PSTN networks are connected by way of a trunk gateway;~~

identifying a type of a network to which the second terminal requesting the call setup belongs;

generating ring back tone data ~~independently~~ without any help from a public switched telephone network (PSTN) switchboard or an access gateway by the first terminal, if the type of the network is a ~~public switched telephone network PSTN~~;

storing the generated ring back tone data in a buffer;

inserting the ring back tone data into a response message after reading out the ring back tone data from the buffer; and

transmitting the response message ~~from the first terminal to the second terminal in response to the call setup,~~

wherein the ring back tone is inserted into the response message according to a first-in first-out method,

wherein the VOIP and the PSTN networks are connected by way of a trunk gateway,

wherein the response message is transmitted to the second terminal to through the a port informed by the trunk gateway during the call setup,

wherein the second terminal receives the response message and generates a ring back tone ~~according to~~ by using the ring back tone data included ~~by the first terminal into the response message,~~

wherein the second terminal generates the ring back tone by itself, if the network is not a PSTN network.

2. (Original) The method of claim 1, wherein the response message comprises at least one data packet communicated based on real-time transport protocol.

3. (Canceled)

4. (Original) The method of claim 1, wherein the type of the network is identified based on a specific message transmitted from the network.

5. (Original) The method of claim 1, wherein the type of the network is identified based on a number of the second terminal.

6. (Original) The method of claim 5, wherein the type of the network is identified based on a prefix included in the number of the second terminal.

7. (Original) The method of claim 4, wherein the specific message informs that the network has no function for generating the ring back tone data.

8. (Original) The method of claim 1, wherein if the type of the network is a public switched telephone network, the first terminal generates the ring back tone data.

9. (Currently Amended) A first terminal configured for communicating over a voice over internet protocol (VOIP), the first terminal comprising:

a decision section for deciding whether to generate ring back tone data ~~after identifying according to~~ a type of a network to which a second terminal ~~requesting~~ transmitting a call setup request belongs;

~~a memory for storing the ring back tone data; and~~

a signal processor for ~~independently~~ generating the ring back tone data ~~to be transmitted to the second terminal~~ independent of a public switched telephone network PSTN switchboard or an access gateway if the type of network is a PSTN ~~according to the type of the network;~~

a memory for storing the ring back tone data, and

a controlling section for inserting the ring back tone data into a response message to the call setup and transmitting the response message to the second terminal in response to the call setup request;[[,]]

~~wherein the first terminal communicates over a voice over internet protocol (VOIP) network and the second terminal communicates over public switched telephone network (PSTN),~~

~~wherein the VOIP and the PSTN networks are connected by way of a trunk gateway,~~

wherein the response message is transmitted to the second terminal through a port informed by the trunk gateway during the call setup.

~~wherein the second terminal receives the response message and generates a ring back tone according to~~ by using the ring back tone data included by the first terminal ~~into the response message,~~

wherein the second terminal generates the ring back tone by itself, if the network is not a PSTN network.

wherein the signal processor reads the stored ring back tone data according to a first-in first-out method so as to insert the ring back tone data in the response message.

10. (Original) The first terminal of claim 9, wherein the response message comprises at least one data packet based on real-time transport protocol.

11. (Cancel)

12. (Canceled)

13. (Original) The terminal of claim 9, wherein the type of the network is identified based on a specific message transmitted from the network.

14. (Original) The terminal of claim 9, wherein the type of the network is identified based on a number of the second terminal.

15. (Original) The terminal of claim 14, wherein the type of the network is identified based on a prefix among the number of the second terminal.

16. (Original) The terminal of claim 13, wherein the specific message informs that the network has no function of generating the ring back tone data.

17-21 (Canceled)